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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,649	07/16/2003	Gordon S. Hewitt	024.0007	1037

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT PAPER NUMBER

2629

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/621,649	<b>Applicant(s)</b> HEWITT ET AL.	
	<b>Examiner</b> Jeff Piziali	<b>Art Unit</b> 2629	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 11-16.  
 Claim(s) withdrawn from consideration: 1-10 and 17-23.


#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SP/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
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 Jeff Piziali  
 15 November 2006

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants' arguments filed 23 October 2006 have been fully considered but they are not persuasive.

The applicants contend the cited prior art of Kakizawa (US 6,580,556 B2) neglects teaching "obscuring at least a portion of the stereoscopic display from the observer with a mid-window to thereby prevent frame violations in the stereoscopic image" (see Page 9, Paragraph 2 of the 'Response to Office Action' filed 23 October 2006). However, the examiner respectfully disagrees.

In response to applicants' argument that the Kakizawa reference fails to show certain features of applicants' invention, it is noted that the features upon which applicant relies (i.e., "frame violations" being defined as and limited to "when objects appearing in front of the viewing surface [the frame] are clipped off by the edge of the display frame, thereby giving the illusion that closer objects are blocked by a surface that appears to be behind the closer object" -- see Page 7, Paragraph 4 of the 'Response to Office Action' filed 23 October 2006) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner recognizes that at least some of the examples of "frame violations" described in the instant specification differ from the types of "frame violations" taught by Kakizawa. However, the instantly pending claims do not presently recite any defining or limiting characteristics of what is meant by "frame violations."

The instant specification states, "So-called 'frame violations' typically result when..." (see Page 1, Paragraph 4 of the instant specification) -- clearly insinuating that other types of "frame violations" exist and result under different operational conditions. Furthermore, the applicants argue, "frame violations in the context of Applicant's claims do not relate to the capturing or processing of individual video frames utilized for the stereoscopic image, where the word 'frame' takes on a completely different meaning in connection with video processing, movie production, and cinematography" (see Page 8, Paragraph 2 of the 'Response to Office Action' filed 23 October 2006) -- which evidences the applicants are themselves aware that the terms "frame" and "frame violations" have a plurality of meanings/definitions in the art of stereoscopic image production.

The applicants contend, " 'frame violations' in the context of Applicant's claims relates to the perimeter or outer frame of the stereoscopic image itself, which is akin to a frame surrounding a physical window for the user" (see Page 8, Paragraph 2 of the 'Response to Office Action' filed 23 October 2006). However, such above argued inventive features as a "perimeter," an "outer frame," a "physical window," and even a "user" are nowhere to be found in the pending claim language. If the applicants maintain that such explicit types of "frame violations" are not prevented by Kakizawa, then the examiner respectfully encourages the applicants to add such defining/clarifying subject matter to the instant claims.

Kakizawa states, "Software 36 on the system 10A directs the cameras 18a and 18b to capture frames as indicated in block 45. Those frames may be compressed as indicated in block 46 and transmitted to the system 10B as indicated in block 48. A check at diamond 50 determines whether or not frames have been received from the system 10B and its cameras 18c and 18d. If so, those frames are decompressed and sized as indicated in block 52. Thereafter, additional frames from the cameras 18a and 18b may be captured as indicated in block 54 in order to allow eye or face location analysis. In block 56, the location of the user's eyes is determined from the images from the cameras 18a and 18b. Software for locating facial features using pattern recognition analysis or other techniques is well-known. The cameras 18a and 18b are utilized in one embodiment but either camera from each system 10A or 10B may be utilized for this purpose. Thereafter, the left and right images from the cameras 18c and 18d of the system 10B are displayed on the display 12 associated with the system 10A as indicated in block 58. The frames utilized for eye location are then compressed as indicated in block 60 and sent to the system 10B as indicated in block 62" (see Fig. 4 and Column 3, Lines 5-28).

As such, Kakizawa clearly performs video frame processing. The check at diamond [Fig. 4; 50] determines whether or not frames have been received from the system [Fig. 2; 10B] and its cameras [Fig. 2; 18c and 18d], before allowing those frames to be decompressed and sized as indicated in block [Fig. 4; 52]. In such a manner, Kakizawa teaches the prevention of frame decompression/sizing violations.

Furthermore, Kakizawa teaches "the software 36 in accordance with one embodiment of the present invention may enable a user participating in a video conference to move his or her head without losing the ability to view the stereoscopic image of the other participant" (see Column 3, Lines 1-5). Therefore, Kakizawa's viewing loss prevention qualifies as yet another manner of preventing frame violations, as instantly claimed.

The applicants argue, " 'frame' violations as recited in Applicant's claims and a video 'frame' as disclosed by Kakizawa relate to different and distinct concepts" (see Page 9, Paragraph 3 of the 'Response to Office Action' filed 23 October 2006). However, as earlier explained, there is presently no "frame violation" feature recited in the applicants' claims which distinguishes from Kakizawa's concept of a "frame violation." Again, if the applicants believe that Kakizawa's "frame violation" prevention techniques are different/distinct from those of the instant invention, then the examiner respectfully encourages the applicants to add such defining/clarifying subject matter to the instant claims.

The applicants also argue, "Kakizawa does not teach the additional limitations recited in claim 13. In particular, claim 13 recites the step of 'generating a focus point for the stereoscopic image that is distinct from the display convergence point'" (see Page 10, Paragraph 2 of the 'Response to Office Action' filed 23 October 2006). However, the examiner respectfully disagrees. Kakizawa discloses generating a focus

point [Fig. 1; A, B] for the stereoscopic image that is distinct from the display convergence point [Fig. 1; 16] (see Column 1, Line 45 - Column 2, Line 16).

The applicants next argue, "Kakizawa does not teach or suggest a display system having a left module and a right module" (see Page 10, Paragraph 3 of the 'Response to Office Action' filed 23 October 2006). However, the examiner again respectfully disagrees. Kakizawa discloses left [Fig. 2; 12b] and right [Fig. 2; 12a] modules having a display convergence point [Fig. 1; 16] corresponding to the intersection of centerlines projecting from the left and right modules (see Column 1, Line 45 - Column 2, Line 16).

The applicants note, "Applicant notes that the user's eyes (shown in Kakizawa's FIG. 1 and FIG. 2) do not amount to left and right display system modules as recited by Applicant" (see Page 10, Paragraph 3 of the 'Response to Office Action' filed 23 October 2006). However, Kakizawa refers to the left [Fig. 2; 12b] and right [Fig. 2; 12a] modules as "images" (see Column 2, Line 2) -- not "the user's eyes" as alleged by the applicants.

Lastly, the applicants contend, "Kakizawa does not teach or suggest a system where the convergence point of a plurality of cameras is located closer to the cameras than a closest object appearing in the scene" (see Page 10, Paragraph 3 of the 'Response to Office Action' filed 23 October 2006). However, the examiner again respectfully disagrees. Kakizawa discloses the convergence point [Fig. 1; 16 -- wherein light from the image modules moves or draws together at a certain location, i.e. the aperture 16] is located closer to the plurality of cameras [Fig. 2; 18a-18d] than a closest object [e.g. the user] appearing in the scene (see Column 2, Lines 17-40).

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

Jeff Piziali  
15 November 2006

